

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MEYNARD DESIGNS, INC. AND
EARTH, INC.,

Plaintiffs and Counterclaim
Defendant,

v.

EARTH PRODUCTS INC.,

Defendant and Counterclaim
Plaintiff.

CIVIL ACTION NO. 05 CV 11781
NMG

EARTH PRODUCTS INC.

Third Party Plaintiff,

v.

PLANET,
INC.

Third-Party Defendant.

**ASSENTED TO MOTION TO IMPOUND MATERIALS
CITED IN PLAINTIFFS' OPPOSITION TO EARTH
PRODUCTS' MOTION FOR LEAVE TO FILE FIRST
AMENDED ANSWER DESIGNATED AS CONFIDENTIAL**

In accordance with District of Massachusetts Local Rule 7.2 and Section 8 of the Stipulated Protective Order (D.I. # 30), Plaintiffs Meynard Designs, Inc., Earth, Inc., and Third-Party Defendant Planet, Inc. (collectively, "Plaintiffs") move this Court for an order impounding and sealing Plaintiff's Opposition to Defendant Earth Products Inc.'s ("Earth Products") Motion for Leave to File First Amended Answer, Affirmative Defenses and Counterclaims ("Opposition") and C and J to the Declaration of Hunter D. Keeton ("Keeton Declaration") that

accompanies that Opposition. This material is not large, consisting of a 16 page brief and 49 pages of exhibits.

These materials have been designated confidential by Plaintiffs under the Stipulated Protective Order, because they contain confidential business, personal, and financial information. Thus Plaintiffs ask for an order allowing their Opposition and Exhibits C and J to the Keeton Declaration to be filed under seal and impounded.

Pursuant to Section 8 of the Stipulated Protective Order, the Clerk should impound these materials until 30 days after the end of this litigation in the District of Massachusetts. Also under Section 8 of the Stipulated Protective Order, Earth Products has assented to this motion. Further pursuant to the Protective Order, Plaintiffs will serve all of the relevant papers on Earth Products' counsel today.

Respectfully submitted,

MEYNARD DESIGNS, INC.,
EARTH, INC., and
PLANET, INC.,

By their attorneys,

Dated: October 29, 2007

/s/ Hunter D. Keeton
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CERTIFICATE OF SERVICE

I certify that this document is being filed through the Court's electronic filing system, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF). Any counsel for other parties who are not registered participants are being served by first class mail on the date of electronic filing.

/s/ Hunter D. Keeton